IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

Bail Appl..No. 3837 of 2007()

CRLMP.1622/2007 of D.C. & SESSIONS COURT,KOLLAM
CRIME NO.169/2007 OF KOTTIYAM POLICE STATION

.....

PETITIONER/8TH ACCUSED

ILLYAS, S/O.SULAIMAN, ILLYAS MANZIL,
PUTHUCHIRA, PERAYAM, THAZHUTHALA,
KOLLAM.

BY ADV. SRI.S.SANTHOSH KUMAR

RESPONDENTS: COMPLAINANT

THE SUB INSPECTOR OF POLICE,
KOTTIYAM POLICE STATION, KOLLAM,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.3837 of 2007

Dated this the 26th day of June 2007

O R D E R

Application for anticipatory bail. The petitioner is the 8th accused. Altogether there are 10 accused persons. The alleged incident took place on 25/3/2007 as a counter blast to an earlier incident in which the petitioner had suffered injuries. An unlawful assembly of persons including the petitioner is alleged to have unleashed attack on the victim. Investigation is in progress. The petitioner is named in the F.I.R. He apprehends imminent arrest.

2. The learned Public Prosecutor opposes the application. There are no circumstances justifying the invocation of the equitable discretion under Section 438 Cr.P.C, submits the learned Public Prosecutor. This is part of the series of clashes between R.S.S and N.D.F workers of the locality, submits the learned Public Prosecutor. I have considered all the relevant inputs. The allegations are serious. I do not find any circumstances which would justify invocation of the

extraordinary equitable discretion under Section 438 Cr.P.C. This is a fit case where the petitioners must appear before the learned Magistrate or the investigating officer and seek bail in the regular and ordinary course.

3. In the result, this petition is dismissed. Needless to say, if the petitioner surrenders before the investigating officer or the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007